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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

PETER DELVECCHIA, individually and as
next friend of A.D., a Minor,

Plaintiffs,

v.

FRONTIER AIRLINES, INC.,
SCOTT WARREN, and REX SHUPE,

Defendants.

Case No.: 2:19-cv-01322-KJD-DJA

**NINTH STIPULATED
MOTION TO EXTEND DEADLINES**

Plaintiffs Peter DelVecchia, individually and as next friend of A.D., a minor (collectively “Plaintiffs”), and Defendants Frontier Airlines, Inc. (“Frontier”), Scott Warren, and Rex Shupe (collectively “Defendants”), each by their undersigned counsel, hereby submit their **NINTH STIPULATED MOTION TO EXTEND DEADLINES**, seeking to extend the deadlines related to the close of discovery, filing of dispositive motions, and filing of the joint proposed pretrial order as set forth in this Court’s March 4, 2022 Order (ECF No. 163) as noted below. This Motion is not intended to affect

1 the specific deadlines referenced in the Court's September 30, 2022 Order (ECF No. 210) on the parties'
2 stipulated Motion concerning expert witnesses Drs. Ohler and Holland.

3 Specifically, the Parties seek to extend the aforementioned deadlines as follows:

- 4 1. Extend the discovery cutoff date from November 18, 2022 to **February 28, 2023** (with the
5 exception that if Frontier's pending Motion for Protective Order [ECF No. 215] has not
6 been finally decided, including a decision on any Rule 72(a) appeal from the Magistrate
7 Judge's ruling, by January 31, 2023, and/or if Plaintiffs' Rule 72(a) appeal from the
8 Magistrate Judge's rulings on their Fourth and Fifth Motions to Compel (ECF No. 203) has
9 not been finally decided, then the Rule 30(b)(6) deposition of Frontier may be taken by
10 Plaintiffs on a set of mutually acceptable dates within 30 days after the later of such final
11 decisions, and Frontier shall make its designated witnesses available to testify during such
12 extended period);
- 13 2. Extend the deadline to file dispositive motions from December 30, 2022, to **March 31, 2023,**
14 **or 30 days after the completion of the Rule 30(b)(6) deposition of Frontier, whichever is**
15 **the later;** and
- 16 3. Extend the deadline to file the joint proposed pretrial order from January 27, 2023, to **30**
17 **days after the deadline to file dispositive motions.**

18 The Parties have made efforts to complete fact discovery in a reasonable time, despite a number of
19 unprecedented and unforeseen obstacles, of which the Court is well aware.

20 A Rule 72(a) appeal to Judge Dawson concerning documents that Plaintiffs believe are necessary
21 to conduct the Rule 30(b)(6) deposition of Frontier remains pending, and Frontier has also just filed a
22 Motion for Protective Order concerning that deposition that will need to be resolved before the deposition
23 can be taken. Depositions of witnesses (other passengers on the flight and Plaintiffs' treaters) are
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proceeding and the parties had hoped to have them all completed prior to November 18, 2022, but there are several that were noticed and have had to be rescheduled for a number of reasons emanating from the witnesses themselves. Moreover, the original scheduling orders did not include a provision for the completion of expert discovery, which still needs to be completed. Despite the Parties' best efforts, additional time is needed to complete fact and expert discovery. Although the Parties are working as expeditiously and as cooperatively as possible, the breadth and scope of discovery being conducted in this case and the above-discussed disputes have slowed their progress such that more time is required. This is the ninth motion for a continuance of pretrial deadlines filed in this case.

DATED this 22nd day of November, 2022

Respectfully submitted,

/s/ Brian T. Maye

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/s/ John D. McKay

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***Attorneys for Plaintiffs Peter DelVecchia &
A.D., a Minor***

CERTIFICATE OF SERVICE

I hereby certify that on November 22, 2022, I caused the foregoing to be electronically filed with the United States District Court for the District of Nevada using the CM/ECF system.

/s/Brian T. Maye